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1 May 84

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REMARKS
Forest-

The DCI this morning instructed me to give you some input from SECOM on the 27 April SIG/I meeting. Attached is my input. If it is too late, please advise, and I will send it up separately.

Thank you,

Bob L.

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FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

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5041-102

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1. The following points regarding leaks were considered noteworthy by the Chairman of the Security Committee.
2. Legislation to criminalize unauthorized disclosures of classified information by cleared persons is essential. Prosecution under the espionage laws for leaking has not worked well. To be successful, efforts to obtain the legislation needs the broadest possible support. One strategy for getting such support would be to try to have the SSCI leadership, both the Chairman and Vice Chairman, sponsor the bill. A similar effort with the HPSCI should also be considered. Support of the Secretary of Defense and the Attorney General would be essential within the Executive Branch. To temper the inevitable media criticism, the bill should be portrayed as one to require government officials to live up to their obligations to protect the national security, not to interfere in any way with freedom of the press.
3. A leak analysis center should be set up within the IC Staff under the Security Committee, to receive and analyze data on all intelligence leaks throughout the Community. The Unauthorized Disclosures Investigations Subcommittee should serve as the mechanism for policy coordination. The SECOM Staff would perform day-to-day data gathering, analysis and coordination. Participation by the FBI would be indispensable and the assignment of an FBI officer to the SECOM Staff should be strongly considered. Close cooperation and input from CIA, NSA, DoD, State and Justice would be required. This effort should be devoted exclusively to leaks of classified intelligence under the DCI's statutory responsibility to protect intelligence sources and methods.

4. Strong commitment by departments and agencies to the leak analytical effort is a fundamental need. Leak analysis will succeed only with prompt and full input from throughout the Intelligence Community. In addition to information on unauthorized disclosures as they are committed, data on investigative progress and the status of possible prosecutions are basic requirements.

5. Coordinated investigations of unauthorized disclosures are needed to supplement the existing procedure of independent internal investigations of leaks, which has been unproductive. Reporting of all current intelligence leaks to SECOM would provide the basis for review and analysis and permit referral of leads to appropriate agencies and the selection of specific, particularly aggravated leaks for early attention by the FBI.

6. At the SIG-I meeting on 27 April, Judge Webster indicated he had no objection to investigating leaks, provided he did not use scarce investigative resources in a pro forma effort that is preordained to fail. His observation that leaks seem to turn into authorized statements as the FBI comes closer to identifying a suspect is a clear indication of the need for top level support and determination to act. Also needed are investigative guidelines that will permit more aggressive action in leak cases.

7. Judge Webster also observed that the suggestion of polygraph examinations for possible leak suspects often brings the investigation to a halt. We need to sell the polygraph as an investigation tool. The favorable response of the SSCI to the 21 March presentation by NSA and CIA on polygraph shows that the technique can be explained in a way that generates support. The SECOM report on the utility of the polygraph has been favorably

received. We need to do more to promote acceptance of the polygraph technique by educating influential people, as was done with the SSCI. Since only the leaker and the leakee know the identity of the leaker in most cases, any effort to combat leaks without use of the polygraph would be severely handicapped.